

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ROSA BAGHDASARIAN,  
Plaintiff,  
v.  
LOWE'S HOME CENTERS, LLC  
Defendant.

Case No. 2:18-cv-01809-RFB-CWH

## ORDER

Before the Court is Plaintiff Bagdasarian's Motion to Remand (ECF No. 7). Based upon the record, this Motion is DENIED without prejudice.

A defendant may remove a matter first filed in state court to a federal court if the federal court has original jurisdiction. 28 U.S.C. § 1441(a). Federal courts have original jurisdiction over actions where the matter in controversy is greater than \$75,000 if there is complete diversity between the plaintiff and each defendant. 28 U.S.C. § 1332(a).

“Removal and subject matter jurisdiction statutes are strictly construed, and a defendant seeking removal has the burden to establish that removal is proper and any doubt is resolved against removability.” Hawaii ex rel. Louie v. HSBC Bank Nev., N.A., 761 F.3d 1027, 1034 (9th Cir. 2014) (citation and quotation marks omitted). A federal court should remand a case to state court if any doubt exists as to the right to removal. Matheson v. Progressive Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003) (footnote omitted). Further, when “it is unclear or ambiguous from the face of a state-court complaint whether the requisite amount in controversy is pled, the removing defendant bears the burden of establishing, by a preponderance of the evidence, that the amount in controversy exceeds the jurisdictional threshold.” Urbino v. Orkin Servs. of California, Inc., 726 F.3d 1118, 1121–22 (9th Cir. 2013).

1           The Court finds that the Plaintiff has not provided sufficient information in the record for  
2 this Court to find a lack of diversity of citizenship or a lack of asserting the appropriate amount in  
3 controversy. Plaintiff suggests that it might be able to establish a lack of diversity based upon her  
4 identification of certain responsible parties in this case. She will be given such an opportunity yet  
5 for now the Court does not have sufficient information to find that there was no a legitimate basis  
6 for removal of this case.

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8           **III. CONCLUSION**

9           **IT IS ORDERED** that Plaintiff's Motion to Remand [ECF No. 5] is DENIED without  
10 prejudice. Plaintiff will be permitted to amend its complaint regarding unidentified defendants in  
11 this case.

12           **IT IS FURTHER ORDERD** that the Defendant shall produce to the Plaintiff the entirety  
13 of its unprivileged claim/investigative file regarding the Plaintiff's claim within 45 days of this  
14 order.

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16           DATED: January 22, 2019.

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18           **RICHARD F. BOULWARE, II**  
19           **UNITED STATES DISTRICT JUDGE**

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